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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,981

02/25/2004

James G. Sullivan

6775

31156

7590

02/17/2006

LAW OFFICE OF ADRIENNE B. NAUMANN
8210 NORTH TRIPP
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EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,981

Applicant(s)

SULLIVAN, JAMES G.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for application number 10/786,981 Emergency Vehicle Support Kit, filed on 2/25/04. Claims 1-21 are pending.

Election/Restrictions

Claims 10-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/5/05.

Claim Objections

Claims 1, 6, 16 and 18-21 objected to because of the following informalities:

Claim 1, line 18, recites the term "comprsiing" which should be changed to "comprising".

Claims 6, 16, 18, 20 and 21 recite "détente" which appears to be a foreign translation of the term "detent" which should be changed to the English version. Appropriate correction is required.

Claim 19 is dependent upon claim "187" and this should be changed to "17" or "18".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "said cylinder", "said upper apertures". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

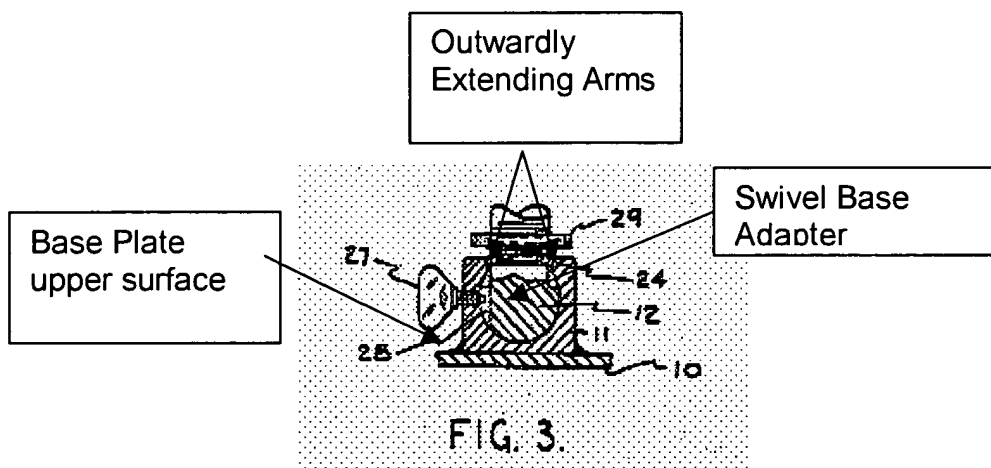
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3171627 to Tapley et al.

The patent to Tapley et al. discloses a support having a cylinder (8), the cylinder having a continuous longitudinal wall, the cylinder having a longitudinal axis, the cylinder having a distal cylinder end and a proximal cylinder end, the cylinder having a cylinder diameter, the cylinder having a cylinder interior, a first piston (4), the piston having a continuous piston longitudinal wall, the first piston having a proximal first piston end and a distal first piston end, the first piston having a first piston diameter which is narrower than the cylinder diameter, the first piston being connected to the distal cylinder end, the first piston having a cylindrical interior, an uppermost distal second piston (6), the uppermost distal second piston having a continuous second longitudinal

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wall, the second piston having a second proximal second piston end and a second distal second piston end, the second piston having a second piston cylinder interior, the cylinder, the first piston and the second piston being a telescoping device with at least two sets of linearly aligned apertures (each ends of the pistons is a set of apertures), the telescoping device further having attachments (upper 10) which grip a vehicle or building, a vehicle support base plate (10), the vehicle support base plate having an upper base plate surface (See Drawing Below), a swivel base plate adapter (12), the swivel base plate adapter rotating through an angle of approximately 130 degrees, Whereby, the swivel base plate adapter connects to the proximal cylinder end, and the swivel base plate adapter simultaneously connects to the vehicle support base plate, the cylinder attached to the first piston proximal end, the second piston attached to the first piston distal end, the second piston capable of sliding within the first piston interior, the first piston capable of sliding within the cylinder, the telescoping device forming a rigid support for a vehicle or building.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3171627 to Tapley et al. as applied to claims 1 and 2 above, and in view of United States Patent No. 5402595 to Tamllos.

Tapley et al. discloses applicant's basic inventive concept, all the elements which are shown above and including teaching wherein the support base plate has two elevated base plate walls (11) with an outwardly extending arm (See Drawing Above) and wherein the base plate adapter (12) has a bottom most rounded surface contacting the vehicle support base plate.

Tapley et al. does not teach wherein the first position and the cylinder each have a knurled ring at their respective distal ends.

Tamllos teaches a telescoping stand with knurled rings (2) used as a connecting and adjustment device for the stand. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Tamllos to have used this element in order to secure and adjust the telescoping elements relative to each other.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6158705 to Cudmore et al. and in view of United States Patent No. 6450472 to Cook, Jr.

Cudmore et al. teaches a vehicle support having a telescoping device being manually extended to contact a point upon a downed vehicle or collapsed building the improvement being a swivel base plate adapter (10) reversibly combined within corresponding vehicle support plate, the base plate (8) having a length and a width, an upper base plate surface, first and second opposing elevated base plate walls (9) extending longitudinally along the upper base plate wall surface, the swivel base plate adapter fitting within the two opposing elevated base plate walls and the adapter being able to rotate approximately 140 degrees upon the support base plate upper surface wherein a cylinder (3) attaches to the adapter and rotates around a pin in upper apertures.

Cudmore et al. does not teach wherein the pin is a detent pin ring or that the pin is specifically metal.

This is Official Notice that it would have been obvious to one of ordinary skill in the art to make the pin of any suitable material, including metal, used for its durability and strength.

Cook, Jr. discloses a rotatable connection (18, 32) in which a detent ring pin (40) is used to support and lock the elements together, yet allowing them to rotate with respect to one another. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Cudmore et al. to have used a ring detent pin in place of

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the pin, in order to lock the desired elements together while allowing them to rotate respectively.

Allowable Subject Matter

Claims 16-19 are allowed.

Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claims 6-9, the prior art does not teach wherein the mid-line apertures by which the swivel support base plate adapter attaches to the vehicle support base plate with a straight metal detent pin with a compressible bead in combination with the bottom rounded surface of the adapter contacting the vehicle support base plate.

With regards to claims 16-19, the reason is that the prior art does not teach in combination an emergency vehicle support kit, the kit having a telescoping device, the telescoping device having a lowermost proximal cylinder, a first piston and a second piston, the second piston having an uppermost distal second piston end, a vehicle support base plate, the base plate having a first and a second opposing elevated base plate wall, each the base plate wall having apertures for insertion of a metal détente ring pin with a compressible bead, an interior wall surface and an exterior wall surface, each the interior wall surface having an opposing perpendicular extending segment, the perpendicular extending segment having one protuberance, an interior indented square

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segment, the interior indented square segment continuous with and distal to the opposing perpendicular extending segment, (iii) a longitudinal rectangular segment, each the longitudinal rectangular segment being continuous with and distal to the corresponding interior indented square segment, an interior slanted wall segment, the interior slanted wall segments distal to and continuous with the longitudinal rectangular segment, a distal base plate aperture end, the distal base plate aperture end having a distal aperture, the distal base plate aperture end being continuous with and distal to the interior slanted wall segment, each the exterior base plate wall surface having a proximal base plate aperture end, the proximal base plate aperture end having a proximal strap aperture, an extending base plate arm, the extending base plate arm comprising an outermost end, the outermost end having an outermost aperture, the extending base plate being continuous with and distal to the proximal base plate aperture end, an exterior rectangular base plate surface, the exterior rectangular base plate surface having the mid-line aperture, the exterior rectangular base plate surface continuous with and immediately distal to the extending base plate arm, an exterior angled base plate surface, the exterior angled base plate surface slanted toward the interior mid-line of the vehicle support base plate at an angle of approximately 130 degrees, the exterior angled base plate surface continuous with and immediately distal to the exterior rectangular base plate surface, a distal base plate aperture segment, the distal base plate aperture segment comprising the distal base plate aperture, a swivel base plate adapter, and attachments, the attachments connecting to the uppermost distal piston end.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various support devices

2004/0258460 to Taylor

6863253 to Valentz et al.

6776383 to Lanka

5575492 to Stone

3355136 to Staples

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling
2/15/06